

Minutes
Business Law Section, Cyberspace Committee
April 1, 2008

The meeting was lead by Jim Snell.

I. Approval of Minutes of February, 2008 meeting

Minutes were approved.

II. Appointment of secretary for the meeting, to take minutes

Matt Cooney took minutes.

III. Membership

- Status of membership and attendance
- Update of member profiles for website

No new information.

IV. Programs

- Suggestions for future programs?

Discussed below

V. Subcommittees – Reports

- E-Commerce/Privacy David Tollen / Robert Hawn / Winston Krone / Tony Vittal /

No new information; subcommittee working on clarifying its charter.

- Legislative/Regulatory – Bennett Kelley

i. Sacramento Day

Bennett led a discussion summarizing the Sacramento Day activities, and potential future a committee activities related to educating

legislators. Discussion topics included the disparate motives and knowledge legislative staff, the loss of knowledge caused by term limits, and the key role that we could play in educating legislators and their staff. Tony Vittal has experience with these challenges through the AOC. He emphasized repetition of information, and programs designed to maximize attendance (e.g., coinciding with a meal). He proposed potentially coordinating with Greg Schmidt the CEO of the Senate or the State Bar lobbyist Saul Berkowitz to do presentations at different locations in the state. Tony also mentioned the angle of connecting technology to the interests of agriculture (an important driver of state government). Denise proposed potentially doing a webinar, which could be downloaded for future use.

A group including Tony Vittal, Eric Goldman, Bennett Kelly, Kristie Prinz, and Sue Krennek agreed to further discuss how to move this forward.

ii. Legislative Update.

This group has been focusing on the legislative primer. Need to re-assign one or more sections due to the time limitations of contributors. No new developments at the federal level. Only new thing talk about possible legislative hearings on spyware. The proposed Microsoft/Yahoo merger and the Google/DoubleClick merger have increased concerns over privacy. New York may pass legislation limiting online profile collection. The deadline to respond to the FTC regarding its proposed guidelines on behavioral marketing is April 15 – may be extended.

Maureen proposed that even if FTC and Congress do not implement any mandatory action related to online tracking that we should consider doing a program on best practices. Tony Vittal, Maureen and Bennett all interested in this.

Constituent Communications / Website – Matt Cooney

Matt has reissued a survey that was designed to reveal what the membership thinks we should be doing with our website. Responses will be shared when compiled.

- Telecom and IP?
- Other Committees?

No new information.

- Speakers
- Membership
- Programs & Publications

Eric Goldman will e-mail program bulletins for two upcoming online advertising programs, one at Berkeley, one at Stanford.

Bennett notified the group that the FTC will be holding a workshop on mobile commerce in May.

VI. Publications

- Status of CEB privacy book

Scheduled to be published in June.

- Articles for BLN next deadline

Jim is following up.

VII. E-Bulletin to Constituency List

- Any volunteer?
- Any articles or items of interest?

Contact Jim if you are interested.

VIII. Liaisons to Other Committees

- Executive Committee - Denise Olrich

Denise met with Business Law Section Executive Committee. She reminded the group to think about different ways to do programs – web cast/webinar, expand constituency list for committees. Partner will local bar associations, use other organization mailing lists. Could include invite to join Cyberspace committee constituency list. Expand

participation and interest.

- Liaisons to other BLS Standing Committees or State Bar Sections, such as International Law Section, IP Section Cyberspace Committee, others)

IX. Annual Meeting

- Thursday September 25 to 28 – Monterey, CA

X. Time and Place of Next Meeting

XI. Presentation

Eric Goldman gave an excellent presentation on recent cases on Section 230 of the Communications Decency Act.

Adjourned at 1:00